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June 19, 2017

Via ECF and FacsimileHon. Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
Facsimile: (212) 805-0426**MEMO ENDORSED**Re: *Solid Oak Sketches, LLC v. 2K Games, Inc.*, No. 16 Civ. 724 (LTS) (RLE)

Dear Judge Swain:

We represent Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively "Take-Two") in the above-referenced litigation. We write to request the briefing schedule set forth below for a proposed motion for judgment on the pleadings and to strike Solid Oak's defenses to Take-Two's counterclaims.

The pleadings in this litigation have closed. Solid Oak has alleged one count of copyright infringement against Take-Two, *see* Dkt. No. 55, and Take-Two has alleged counterclaims for declaratory judgment of *de minimis* use, fair use, and fraud on the Copyright Office, *see* Dkt. No. 47. On May 26, 2017, this Court denied Solid Oak's motion to dismiss Take-Two's counterclaims, *see* Dkt. No. 64, and on June 1, 2017, Solid Oak filed its answer to those counterclaims, *see* Dkt. No. 65.

After reviewing Solid Oak's answer to Take-Two's counterclaims, it is clear that the entirety of this case can be resolved at this stage based on the doctrines of *de minimis* use and fair use. Take-Two intends to bring a motion for judgment on the pleadings on those issues, as well as to strike Solid Oak's alleged defenses to Take-Two's counterclaims. Accordingly, Take-Two respectfully requests the following briefing schedule:

- Take-Two's motion to be due 30 days from entry of the scheduling order;
- Any opposition by Solid Oak to be due 30 days from the service of Take-Two's motion; and
- Any reply by Take-Two to be due 15 days from the service of Solid Oak's opposition.

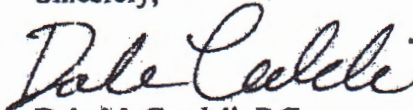
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Take-Two has consulted with Solid Oak, and Solid Oak does not agree to Take-Two's proposed briefing schedule, instead preferring to leave the briefing schedule in the hands of the Court.

Take-Two also requests that the Court adjourn the status conference currently scheduled for June 30, 2017 at 10:15 a.m. and stay discovery pending resolution of Take-Two's motion. This is the first request to adjourn the status conference in light of Take-Two's anticipated motion. Solid Oak does not consent to this request and provided the following as the grounds for its objection: Solid Oak "wants to push this case forward. It has been stalled for way too long."

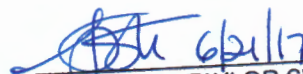
Sincerely,


Dale M. Cendali, P.C.

cc: Counsel of record (via ECF)

The June 30, 2017, conference
is adjourned to July 7, 2017,
at 10:00 AM. The parties'
joint preliminary pretrial statements
must be filed by June 30, 2017,
and may include Defendants'
proposal for a briefing schedule
in addition to the required
information. DE # 66 resolved.

SO ORDERED:


HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE